

## **REMARKS**

Claims 1-5, 7, 9-12, and 24 are now pending in the application. Claim 1 has been amended to recite “consisting essentially of” as the transition phrase. No new matter has been added. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 103**

At the outset, Applicants point out that Claim 1 has been amended to provide a clear coat composition “consisting essentially of” the recited ingredients.

#### *Rejection over Burns et al. in view of Fenn et al.*

Claims 1-3, 5, 7, 9-12, and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Burns et al. (U.S. Publication No. 2002/0132855) in view of Fenn et al. (U.S. Publication No. 2003/0059555). This rejection is respectfully traversed.

The Burns et al. patent teaches a coating composition which includes: 1) nitrocellulose component, 2) a polymerizable reactive diluent whose homopolymer has a  $T_g$  of less than about 25°C, 3) a second polymerizable reactive diluent whose homopolymer has a  $T_g$  of great than about 25°C, and 4) an acrylated urethane. Column 2, lines 54-60. The nitrocellulose component facilitates the coating composition being used with the wood substrates and provides appropriate drying times and eliminates hazy and mottled appearance as compared to compositions without the nitrocellulose. Column 13, lines 62 through Column 14, line 19.

A rejection based on the Burns et al. patent which mandates the inclusion of a nitrocellulose component does not provide a *prima facie* case of obviousness because

Applicants' claims as amended exclude nitrocellulose. Additionally, exclusion of the nitrocellulose component from the Burns et al. patent destroys the reference and eliminates the nitrocellulose-derived benefits dealing with curing time and appearance of the coating.

The Fenn et al. coating compositions are formulated to be cured with various combinations of UVA and UVB radiation. Column 4, lines 34-42. However, the Fenn et al. patent does not provide any teaching on using low radiation levels such as those claimed by Applicants. Further, the Fenn et al. patent does not provide any disclosure or teaching about how to formulate the coating compositions to optimize the curing with low radiation levels.

Applicants assert that the combination of the Burns et al. patent and the Fenn et al. patent fails to teach or suggest Applicants' coating compositions which are cured with an irradiance level of 0.01 to 200 mW/cm<sup>2</sup>. The Burns et al. patent does not function if the nitrocellulose is excluded, and the Fenn et al. patent does not provide the missing curing conditions. One skilled in the art would not have a reason to eliminate the nitrocellulose to render the composition non-functional and cure the non-functional Burns et al. composition by manipulating the radiation sources disclosed by Fenn et al. Additionally, one would not have a reason to expect success of those modifications to provide a non-tacky surface as claimed by Applicants. Accordingly, Applicants assert that the §103 rejection of the claims is improper. Reconsideration and removal of the rejection are respectfully requested.

Rejection over Diener et al. in view of Fenn et al.

Claims 1-3, 5, 7, 9-12, and 24 stand rejected as being unpatentable over Diener et al. (U.S. Pat. No. 5,932,282) in view of Fenn et al. This rejection is respectfully traversed.

The Diener et al. patent details the UV flash lamps, successive UV flash discharges, and distances of the UV source from the substrate to provide the hardened coating. Column 5, line 54 to column 6, line 4. The Diener et al. patent requires a “multiplicity of successive flash discharges.” Column 5, lines 54 to column 6, line 4. The Diener et al. patent does not provide any instruction or direction as to the UV and curing parameters necessary to achieve a non-tacky surface according to Applicants’ claimed invention as amended.

The teachings of the Fenn et al. patent, as detailed above, as combined with the Diener et al. teachings of successive multiple flashes do not provide Applicants’ claimed invention of irradiance levels of 0.01 to 200 mW/cm<sup>2</sup> and being curable to a non-tacky finish. Accordingly, Applicants assert that the §103 rejection of the claims is improper. Reconsideration and removal of the rejection are respectfully requested.

Rejection over Lahrmann et al. in view of Fenn et al.

Claims 1-5, 7, 9-12, and 24 stand rejected as being unpatentable over Lahrmann et al. (U.S. Pat. No. 5,425,970) in view of Fenn et al. This rejection is respectfully traversed.

The Lahrmann et al. patent provides multi-coat lacquer coatings. The Lahrmann et al. patent does not disclose that the compositions are cured to a non-tacky finish using radiation at levels of irradiance levels of 0.01 to 200 mW/cm<sup>2</sup>. The addition of Fenn et al., as detailed above, does not supplement the deficiencies of Lahrmann et al. to provide Applicants' claimed invention because Fenn et al. does not provide any teaching or suggestion of the low irradiance levels. Accordingly, Applicants assert that the §103 rejection of the claims is improper. Reconsideration and removal of the rejection are respectfully requested.

**DOUBLE PATENTING REJECTION**

Claims 1-5, 7, 9-12, and 24 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-24 of co-pending Application No. 10/978,495. Inasmuch as co-pending Application No. 10/978,495 is assigned to the same Assignee as the present invention, attached please find a Terminal Disclaimer to obviate a Provisional Double Patenting Rejection over a Pending "Reference" Application. Therefore, this rejection has been rendered moot.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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